

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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**DEC 15 1999**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Implementation of the	)	CC Docket No. 96-115
Telecommunications Act of 1996	)	
	)	
Telecommunications Carriers' Use	)	
Of Customer Proprietary Network	)	
Information and Other Customer Information	)	
	)	
Implementation of the Non-Accounting	)	CC Docket No. 96-149
Safeguards of Sections 271 and 272	)	
Of the Communications Act of 1934,	)	
As Amended	)	

**REPLY OF GTE**

GTE Service Corporation and its affiliated domestic communications companies (collectively "GTE")<sup>1</sup> respectfully submit their reply to comments filed in response to the *MCI WorldCom Petition for Further Reconsideration* in the above-captioned matter.<sup>2</sup>

<sup>1</sup> These comments are filed on behalf of GTE's affiliated domestic telephone operating companies, GTE Wireless Incorporated, GTE Media Ventures, and GTE Communications Corporation. GTE's domestic telephone operating companies are: GTE Alaska, Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., and Contel of the South, Inc.

<sup>2</sup> MCI WorldCom Petition for Further Reconsideration, CC Docket Nos. 96-115 and 96-149 (filed Nov. 1, 1999).

GTE argued in its *Opposition and Comments* that the Commission should reject much of the *MCI WorldCom Petition for Further Reconsideration*, as it is patently inconsistent with Section 222 of the 1996 Act.<sup>3</sup> Nothing that has since been added to the record in this proceeding has altered this view.

The above notwithstanding, GTE agrees with BellSouth that the Commission's decision, whatever it may be, must apply equally to all carriers, including incumbent local exchange carriers.<sup>4</sup> In the *Order on Reconsideration*, the Commission reaffirmed its conclusion "that section 222 does not distinguish between classes of carriers and applies to all carriers equally."<sup>5</sup> GTE continues to believe that this is the correct interpretation of the Statute. Further, Section 222 and the FCC's implementing rules strike a delicate balance between customer privacy and promoting competition. As such, the development of meaningful competition, which is the linchpin of the 1996 Telecommunications Act, depends upon even-handed application of that balance to all carriers with respect to CPNI obligations. Given that marketing efforts – the success of which can hinge on the ability to access CPNI – are the driving force behind the

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<sup>3</sup> *Opposition and Comments of GTE*, CC Docket Nos. 96-115 and 96-149, at 3-4 (filed Dec. 2, 1999).

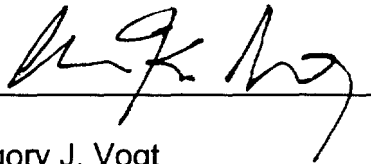
<sup>4</sup> See *BellSouth Opposition and Comments*, CC Docket Nos. 96-115 and 96-149, at 2 (filed Dec. 2, 1999) (stating that "the Commission must ensure that a prospective carrier's opportunity to obtain approval from the customer of another carrier 'during a marketing conversation' is not easier than the current provider's opportunity to obtain approval from its own customer for 'out-of-bucket' marketing during similar conversations").

<sup>5</sup> *Implementation of the Telecommunications Act of 1996*, FCC 99-233, CC Docket Nos. 96-115 and 96-149, ¶ 11 (*Order on Reconsideration and Petitions for Forbearance*) (rel. Sept. 3, 1999) ("*Order on Reconsideration*").

development of effective competition, any relaxation of the Commission's customer consent requirements must apply to both incumbents and new entrants alike.

Respectfully submitted,

GTE Service Corporation and its  
Designated Affiliates

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December 15, 1999

## CERTIFICATE OF SERVICE

I, Carol Hilton, hereby certify that on this 15<sup>th</sup> day of December, 1999, I caused copies of the foregoing *Reply of GTE* to comments filed in response to the *MCI/WorldCom Petition for Further Reconsideration* in CC Docket Nos. 96-115 and 96-149 to be mailed via first-class postage prepaid mail to the following:

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